

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. In the past the petitioner has represented to the Department and to the hearing officer that she serves in a

professional and volunteer capacity as an English/Russian interpreter.

4. At the fair hearing in this matter the petitioner alleged that she does not understand the instructions given to her by her Reach Up and ANFC caseworkers. At this time, however, she does not allege that she is having any particular dispute involving her benefits. She could not offer any particular instance in which she felt her worker did not understand her.

5. The petitioner has not produced any other testimony or evidence to corroborate her need for an interpreter. At the hearing the petitioner declined the offer by the hearing officer to subpoena any witness in her behalf who could verify that she has any difficulty understanding English or that she has ever needed or used the services of an interpreter in the past.

ORDER

The Department's decision is affirmed.

REASONS

The Department represents that it interprets the 1964 Civil Rights Act barring discrimination based on national

origin as requiring the furnishing of an interpreter and translation services at no cost to persons who are determined to be in need of such services. To provide these services the Department contracts with qualified translators at a customary rate of \$25 per hour plus travel time and expenses and preparation time. In this case, the Department has determined simply that the petitioner is not in need of such services.

As noted above, the petitioner has not offered any evidence regarding her need for such services. Moreover, she has declined the assistance of the hearing officer in obtaining the testimony of any witness who can verify her claim. In her prior dealings with the Human Services Board she has never demonstrated an inability to understand and be understood in English. Although she maintains that she does not understand what is required of her under Reach Up, what she characterizes as "misunderstanding" appears to stem mostly from her disagreement with and unwillingness to accept the decisions of the Department and the Board in her long history of disputes over Reach Up participation and work requirements. There is no credible evidence that any misunderstanding is based on the petitioner's inability to understand and be understood in English.

Inasmuch as the petitioner has not demonstrated that the Department's refusal to furnish her with an interpreter is a violation of any law or policy, the Board is bound to affirm the Department's decision. 3 V.S.A. § 3091(d).

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